

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-CR-00215-RJC

USA

v.

SHAMEL ARTIE MORRISON

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 794 to the United States Sentencing Guidelines (USSG) clarifying §3B1.2. (Doc. No. 23).

The defendant's Judgment was entered on January 6, 2016, (Doc. No. 21), which he did not appeal. He claims that he is entitled to re-calculation of the offense level based on amendments to the commentary relating to the mitigating role adjustment that became effective November 1, 2015. (Doc. No. 23: Motion at 3). The defendant's reliance on decisions of the Ninth Circuit, however, are misplaced. That court has decided that Amendment 794 is retroactive to cases on direct appeal. United States v. Quintero-Leyva, 823 F.3d 519, 523 (2016). The defendant's conviction is now final, and he has not provided any authority establishing the amendment is retroactive to cases on collateral review. Additionally, USSG §1B1.10(c) (2015), which lists amendments to be applied retroactively, does not include Amendment 794. Accordingly, the defendant is not eligible for a sentence reduction.

**IT IS, THEREFORE, ORDERED** that the defendant's motion, (Doc. No. 23), is **DENIED**.

Signed: September 7, 2016



Robert J. Conrad, Jr.  
United States District Judge

